

Application No. 10/827,311
Attorney Docket No.: 042348
Amendment Filed: July 31, 2007

REMARKS

Upon entry of this amendment, claims 4-9 will be pending in the present application. Claims 1-3 were previously withdrawn from consideration. Claim 4 is herein amended. Claim 9 is herein added. No new matter has been entered. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated May 1, 2007.

Claim Objections

Claim 4 was objected to because there is no clear antecedent basis for the recitation, “the detection direction.” To expedite prosecution, Applicants hereby amend claim 4 to recite --a detection direction--. Accordingly, Applicants request that the objection to claim 4 be withdrawn.

Claim Rejections – 35 U.S.C. §112

Claims 4-8 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 4, the Examiner stated that she is unclear as to whether the “support frame” recited in line 10 is not the same as the “frame” recited in line 3. To clarify the subject matter of the claimed invention, Applicants herein amend claim 4 to more clearly define the structure of the log centering apparatus, i.e., *a pair of preliminary rotating axles rotatably supported by bearing boxes mounted on a frame of said log centering apparatus*. Support for

this amendment is clearly found on page 10 of the specification and in Fig. 1. Applicants also add claim 9, which depends from claim 4, to recite that *the frame is integral with the support frame*. In view of the amendment to claim 4 and the addition of claim 9, Applicants request that the rejection of claim 4 be withdrawn.

Regarding claim 6, the Examiner remarked:

[T]he claim depended directly from claim 5, which positively recites “wherein the beam reflection scanners are disposed at at least two positions near either end portion of the log”, how is it the beam reflection scanner is disposed at one position near a center portion of the log as recited in claim 6 if the parent claim positively recites such scanner to be near the end portion of the log. The claim is unclear. Is there an additional beam reflection scanner positioned near the center in addition to those positioned near the end portion of the log?

Applicants respectfully disagree with the Examiner’s rejection of claim 6. Applicants submit that claim 5 clearly recites beam reflection scanners are disposed at **at least two positions near the end portion of the log** and claim 6 recites that a beam reflection scanner is additionally disposed at one position **near a center portion of the log**. In other words, two of the beam reflection scanners 8 are mounted at either end of the log M and the remaining one is disposed at a center portion of the log M. *See* page 11 of the specification. Thus, Applicants request that the §112 rejection of claim 6 be withdrawn.

In view of the above remarks, Applicants request that the §112 rejection of claims 4-8 be withdrawn.

Claim Rejections – 35 U.S.C. §102

Claims 4-7 were rejected under 35 U.S.C. §102(b) as anticipated by *Mutsuura et al.* (5,582,224).

In rejecting these claims, the Examiner remarked that “because *Matsuura* explicitly teaches the use of reflection scanners (42, 43, L1, L2) as photoelectric type detectors (i.e., non-contact) and the use of contact swinging detection members (59, 61) the claimed invention fails to patentably distinguish over the prior art of record.” Applicants disagree.

Anticipation requires the disclosure in a single prior art reference of each and every element of the claimed invention, arranged as in the claim. However, Applicants submit that the cited reference does not disclose a log centering apparatus that includes ***a plurality of beam reflection scanners mounted on a support frame of said log centering apparatus and disposed at a plurality of positions along the horizontal axis of the log, wherein the detection direction of the beam reflection scanners are oriented toward the axis of the preliminary axes AND a plurality of contact-swinging detection members mounted on the support frame of said log centering apparatus.*** See claim 4 (emphasis added.)

As clearly described in claim 4, the presently claimed invention requires both “contact swinging detection members” and “beam reflection scanners.” However, as discussed in Applicants remarks filed February 23, 2007, *Mutsuura* specifically teaches using non-contact detecting elements instead of the contact type detecting elements. See col. 3, lines 55-59; col. 7, lines 10-16; col. 8, lines 57-64 (“[T]he upper surface of the log 1 is detected by photoelectric type detectors with no contact. The detector, however, can be replaced with mechanical-contact

type ones which are moved down and synchronized with the elevation of the log 1.”) Therefore, *Mutsuura* does not disclose or even reasonably suggest what is required by claim 4 of the present invention.

Moreover, Applicants submit that the detection direction of the reflection scanners (42, 43, L1, L2) disclosed in *Matsuura* are not oriented toward the axis of the preliminary axles. Instead, as illustrated in Fig. 1, the reflection scanners are oriented away from the axis of the preliminary axles. The operation of the scanners 42 and 43 are described as follows:

At this time, the class to which the diameter of the log 1 belongs is judged. The diameter is classified in, for example, two or three classes, i.e., large, medium or small, and so on, depending upon the number of the upper detectors L₁, L₂.
... As is shown in the left part of FIG. 13, for example, the diameter of the log 1 is obtained by subtracting the integrated lifting distance Y₁ from the distance H₁ between the upper detector L₁ and lower detector K, i.e., H₁-Y₁. The transporter is lifted with the distance Y₂, the difference between the radius r₁ of the log 1 and the distance H₂ from the position of the upper detector L₁ to the center O_{s1} of the holding claw 51, i.e., r₁-H₂. For the right part of FIG. 13, the upper detector L₂ detects the upper surface of the log 1. The radius of the log 1 is obtained as r₂=(H₃-Y₃)/2 as well, and the further lifting distance for the transporter 39 is determined from the equation of r₂-H₄=Y₄.

See column 13, lines 39-54.

Thus, the function of the “scanners 42 and 43” is to determine the diameter of the log 1 in the lifting direction thereof. The scanners are incapable of detecting the shape of the log as it makes a complete rotation, as detected by the “beam reflection scanners” of the present invention.

Accordingly, Applicants respectfully request that the Examiner withdraw the anticipation rejection of claim 4.

Also, Applicants respectfully request that Examiner withdraw the anticipation rejection of dependent claims 5-7 for at least the reasons discussed above.

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Claim Rejections – 35 U.S.C. §103

Claim 8 was rejected under 35 U.S.C. §103(a) as unpatentable over *Matsuura*. However, claim 8 depends from independent claim 4 and is likewise allowable over *Matsuura* by nature of dependency in view of our remarks above.

Conclusion

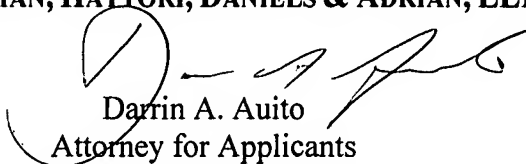
In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP


Darrin A. Auito
Attorney for Applicants
Registration No. 56,024
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

DAA/rf